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EXAMINER
GUARRIELLO, J

ART UNIT PAPER NUMBER
1511 6

DATE MAILED: 10/15/92

This is a communication from the examiner in charge of your application.
COMMISSIONER OF PATENTS AND TRADEMARKS

☒ This application has been examined ☐ Responsive to communication filed on _____ ☐ This action is made final.

A shortened statutory period for response to this action is set to expire 3 month(s), _____ days from the date of this letter.
Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

- ☒ Notice of References Cited by Examiner, PTO-892.
- ☒ Notice re Patent Drawing, PTO-948.
- ☒ Notice of Art Cited by Applicant, PTO-1449.
- ☐ Notice of Informal Patent Application, Form PTO-152.
- ☐ Information on How to Effect Drawing Changes, PTO-1474.
- ☐ _____

Part II SUMMARY OF ACTION

- ☒ Claims 1-26 are pending in the application.
Of the above, claims _____ are withdrawn from consideration.
- ☐ Claims _____ have been cancelled.
- ☐ Claims _____ are allowed.
- ☒ Claims 1-26 are rejected.
- ☐ Claims _____ are objected to.
- ☐ Claims _____ are subject to restriction or election requirement.
- ☐ This application has been filed with informal drawings under 37 C.F.R. 1.85 which are acceptable for examination purposes.
- ☐ Formal drawings are required in response to this Office action.
- ☐ The corrected or substitute drawings have been received on _____. Under 37 C.F.R. 1.84 these drawings are ☐ acceptable. ☐ not acceptable (see explanation or Notice re Patent Drawing, PTO-948).
- ☐ The proposed additional or substitute sheet(s) of drawings, filed on _____ has (have) been ☐ approved by the examiner. ☐ disapproved by the examiner (see explanation).
- ☐ The proposed drawing correction, filed on _____, has been ☐ approved. ☐ disapproved (see explanation).
- ☒ Acknowledgment is made of the claim for priority under U.S.C. 119. The certified copy has ☒ been received ☐ not been received.
☐ been filed in parent application, serial no. _____; filed on _____
- ☐ Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.
- ☐ Other

EXAMINER'S ACTION

Art Unit 1511

15.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --
(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

The following is a quotation of 35 U.S.C. § 103 which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Subject matter developed by another person, which qualifies as prior art only under subsection (f) or (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

Claims 1-26 are rejected under 35 U.S.C. § 102(b) as anticipated by or, in the alternative, under 35 U.S.C. § 103 as obvious over Balatoni, Asai, Torii, or Podola.

All show compositions of polyurethane, polyvinyl chloride, and plasticizer such as dioethyl phthalate. Claims 1-26 lack novelty. Any difference would be obvious. It would be obvious to one of ordinary skill in the art to formulate composition of polyurethane, PVC and dialkyl phthalate within applicants' claims

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in any of these references. It would be obvious to add conventional filler such as clay, mica or talc.

16. Claims 1-26 are rejected under 35 U.S.C. § 103 as being unpatentable over Balatoni or Asai or Torii ^{or} ~~of~~ Podola each in view of Downey or Ohachi or Geissler.

Downey, Ohachi and Geissler all teach dialkyl phthalates within applicants' claims as plasticizers for either PVC or polyurethane. It would be obvious to one of ordinary skill in the art to formulate compositions of PVC, polyurethane and the plasticizers shown by Downey, Ohachi or Geissler. It would be obvious to add mica, clay or talc to such compositions.

17. Claims 1-26 are rejected under 35 U.S.C. § 103 as being unpatentable over Pusineri in view of either Ohachi or Geissler.

Pusineri discloses compositions of PVC and polyurethane for medical purposes. Ohachi and Geissler are both directed to medical purposes. It would be obvious to one of ordinary skill in the art to plasticize Pusineri's compositions with the dialkyl phthalates of Ohachi or Geissler.

18. Any inquiry concerning this communication should be directed to John Guarriello at telephone number (703) 308-3209.

GUARRIELLO:jd
October 06, 1992


PAUL R. MICHL
SUPERVISORY PATENT EXAMINER
ART UNIT 156

BEST AVAILABLE COPY